

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FAHEEM LEAF,)	
)	
Petitioner)	Civil Action
)	No. 14-cv-04126
v.)	
)	
JAY LANE;)	
THE DISTRICT ATTORNEY OF)	
PHILADELPHIA COUNTY; and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 18th day of October, 2016, upon
consideration of the following documents:

- (1) Petition for Writ of Habeas Corpus by a Person in State Custody ("Habeas Corpus Petition") filed by petitioner pro se on June 27, 2014,¹ together with
 - (a) Case Management Track Designation Form, and
 - (b) Letter from petitioner Faheem Leaf dated June 27, 2014;

¹ Although the docket entries reflect that the Habeas Corpus Petition was filed July 3, 2014, petitioner certifies that "this petition was filed on [June 27, 2014], the day it was delivered to prison officials at the SCI Fayette to be mailed." See Letter from petitioner Faheem Leaf dated June 27, 2014 attached to the petition.

Pursuant to the prison mailbox rule, this court will consider the date of filing as June 27, 2014. Under the prison mailbox rule, a habeas corpus petition is deemed filed on the date the petitioner gave it to prison officials for mailing. Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1997).

The dates of filing, noted in this Order, for petitioner's other documents also reflect application of the prison mailbox rule.

- (2) Response to Petition for Writ of Habeas Corpus, which response was filed by respondents on August 13, 2015, together with Exhibit A;
- (3) Petitioner's Traverse to State[']s Response [of] August 13, 2015 ("Traverse"), which Traverse was filed September 29, 2015,² together with
 - (a) Opinion [of] PCRA [Court],
 - (b) Opinion [of] Superior [Court],
 - (c) Appendices A through E;
- (4) Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa dated October 27, 2015 and filed October 28, 2015; and
- (5) Petitioner's Objections to the United States Magistrate's Report and Recommendation Entered on October 27, 2015 ("Petitioner's Objections"), which objections were filed January 11, 2016;

and for the reasons expressed in the accompanying Opinion; it appearing, after de novo review of this matter, that the Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa correctly determined the pertinent legal and factual issues presented in the Habeas Corpus Petition,

² As stated in footnote one, the filing dates of petitioner's documents reflect application of the prison mailbox rule.

Here, however, the certificate of service attached to petitioner's Traverse is undated. See Traverse at page 28. Although it is unclear when exactly petitioner gave his Traverse to prison officials, petitioner must have done so prior to September 29, 2015 because September 29, 2015 is the postmark date. See Appendix E to Traverse at page 90. Therefore, I will consider September 29, 2015 as the filing date.

IT IS ORDERED that Petitioner's Objections to the Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa are overruled.

IT IS FURTHER ORDERED that the Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa is approved and adopted.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus by a Person in State Custody is denied.

IT IS FURTHER ORDERED that, because no reasonable jurist could find this ruling debatable and because there has been no substantial showing of the denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge